

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SAQUAN E. PARKS,

Plaintiff,

v.

B. GOMEZ,

Defendant.

No. 1:24-cv-01088-KES-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
CERTAIN CLAIMS AND DEFENDANTS

(Doc. 15.)

Saquan E. Parks is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff filed his complaint on September 4, 2024, alleging that correctional officer B. Gomez issued a false Rules Violation Report (“RVR”) accusing Plaintiff of requesting mental health treatment to avoid gaining a cellmate. *See* Doc. 1.

The assigned magistrate judge screened the complaint on January 21, 2025, and found plaintiff stated a cognizable First Amendment retaliation claim against correctional officer Gomez. Doc. 12 at 1. Plaintiff was ordered to file a first amended complaint, notify the court of his willingness to proceed only on the cognizable claim identified in the screening order, or notify the court that he wished to stand on his initial complaint. *Id.* at 9. In response to the court’s order, plaintiff timely filed a notice indicating he wanted to proceed only on the First Amendment

1 retaliation claim against correctional officer Gomez. Doc. 13.

2 On February 25, 2025, the assigned magistrate issued findings and recommendations,
3 recommending that the case proceed only on plaintiff's First Amendment retaliation claim against
4 correctional officer Gomez. Doc. 15. The findings and recommendations were served on
5 plaintiff and notified him that any objections were to be filed within 14 days after service. *Id.* at
6 2. The court advised him that the failure to file objections within the specified time may result in
7 the waiver of rights on appeal. *Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir.
8 2014). No objections were filed, and the deadline to do so passed.¹

9 In accordance with 28 U.S.C. § 636(b)(1), this court has conducted a de novo review of
10 this case. Having carefully reviewed the matter, the court finds the findings and
11 recommendations to be supported by the record and proper analysis.

12 Accordingly:

- 13 1. The findings and recommendations issued on February 25, 2025 (Doc. 15), are
14 ADOPTED IN FULL;
- 15 2. This case shall PROCEED on plaintiff's First Amendment retaliation claim against
16 defendant B. Gomez;
- 17 3. Any other claims and defendants are DISMISSED for failure to state a claim upon
18 which relief may be granted;
- 19 4. This action is referred back to the assigned magistrate judge for proceedings consistent
20 with this order.

21
22
23 IT IS SO ORDERED.

24 Dated: March 29, 2025

25
26

UNITED STATES DISTRICT JUDGE

27
28
¹ Plaintiff did, however, file another notice to proceed on cognizable claim, reiterating he wanted to proceed only on the First Amendment retaliation claim against correctional officer Gomez. Doc. 19. The notice was filed on February 27, 2025, but appears to have been signed before the magistrate judge issued the findings and recommendations.